

Notice of Allowability	Application No.	Applicant(s)	
	10/026,189	EMERY ET AL.	
	Examiner	Art Unit	
	Kuen S. Lu	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/13/2006.
2. ☒ The allowed claim(s) is/are 38-46 and 50-52 (renumbered to 1-12).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 3/23/2006.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s):

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>#1-3/23/2006</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>#1- 3/13/06</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. After a thorough search and examination of the present application, and in light of the prior art made of record, and Applicant's Amendments and Remarks filed March 13, 2006, Claims 38-46 and 50-52 are allowed.

Drawings

3. The drawings filed December 21, 2001 are amended in the Examiner's Amendments, as shown next.

Examiner's Amendments

4. An Examiner's Amendments to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this Examiner's amendment, listed below, was given in a telephone interview with Mr. Paul D. Greeley (Registration #: 31,019), on March 23, 2006. A copy of the interview summary is attached.

Please amend drawings Figures 1 and 3-5 such that all isolated components belonging to the same Figure are enclosed in a rectangle as attached.

Reason for Allowable

5. The following is an examiner's statement of reasons for allowance:

In the Examiner's Office Action for non-Final Rejection of June 22, 2005, 35 U.S.C. 35 U.S.C. § 102, rejection was based on the reference of Uemura et al. (U.S. Patent 6,609,085 "METHOD FOR STORING TIME SERIES DATA AND TIME SERIES DATABASE SYSTEM, METHOD AND SYSTEM FOR PROCESSING TIME SERIES DATA, TIME SERIES DATA DISPLAY SYSTEM, AND RECORDING MEDIUM", issued on August 19, 2003, hereafter "Uemura").

In the Remarks filed on October 24, 2005, the Applicant specifically pointed out that Uemura does not teach in responding to user's input data to define a data structure with a plurality of activities of a process and that responds to a request that identifies a first activity by using the data structure to access the time series data to retrieve the time series data that occurs during the first activity as recited in independent claims 38, 43 and 46.

After further review of the search results previously conducted and Applicant's most currently amended claims, and consideration of the above Remarks, the Examiner is persuaded that the prior art made of record does not teach the subject matter of an activity framing program responding to an input data to define a data structure with a plurality of activities of a process, attribute of an activity, a attribute and tag definition for a device producing a portion of a time series occurring during the activity, and further responding to a request which utilizes data structure to identify the activity to access time series data to retrieve portion of the data, as described in the elements of independent claims 38, 43 and 46.

An expanded and update search for the prior arts on EAST database and on domains NPL-ACM, Google and NPL-IEEE has been conducted. The prior arts searched and investigated in the database and domains does not fairly teach or suggest the teaching of the claimed subject matter as reflected by the limitation as quoted.

The dependent claims in the groups (39-42 and 50), (44-45 and 51) and (52), depending claims 38, 43 and 46, respectively, also distinct from the prior art for the same reason.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuen S Lu whose telephone number is (571) 272-4114. The examiner can normally be reached on Monday-Friday (8:00 am-5:00 pm). If attempts to reach the examiner by telephone pre unsuccessful, the examiner's Supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for Page 13 published applications may be obtained from either Private PAIR or Public PAIR.

Art Unit: 2167

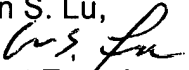
Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

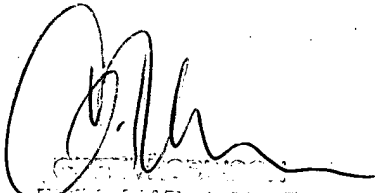
you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 886-217-9197 (toll free).

Kuen S. Lu,


Patent Examiner,

March 23, 2006


Patent Examiner

10026189.122101

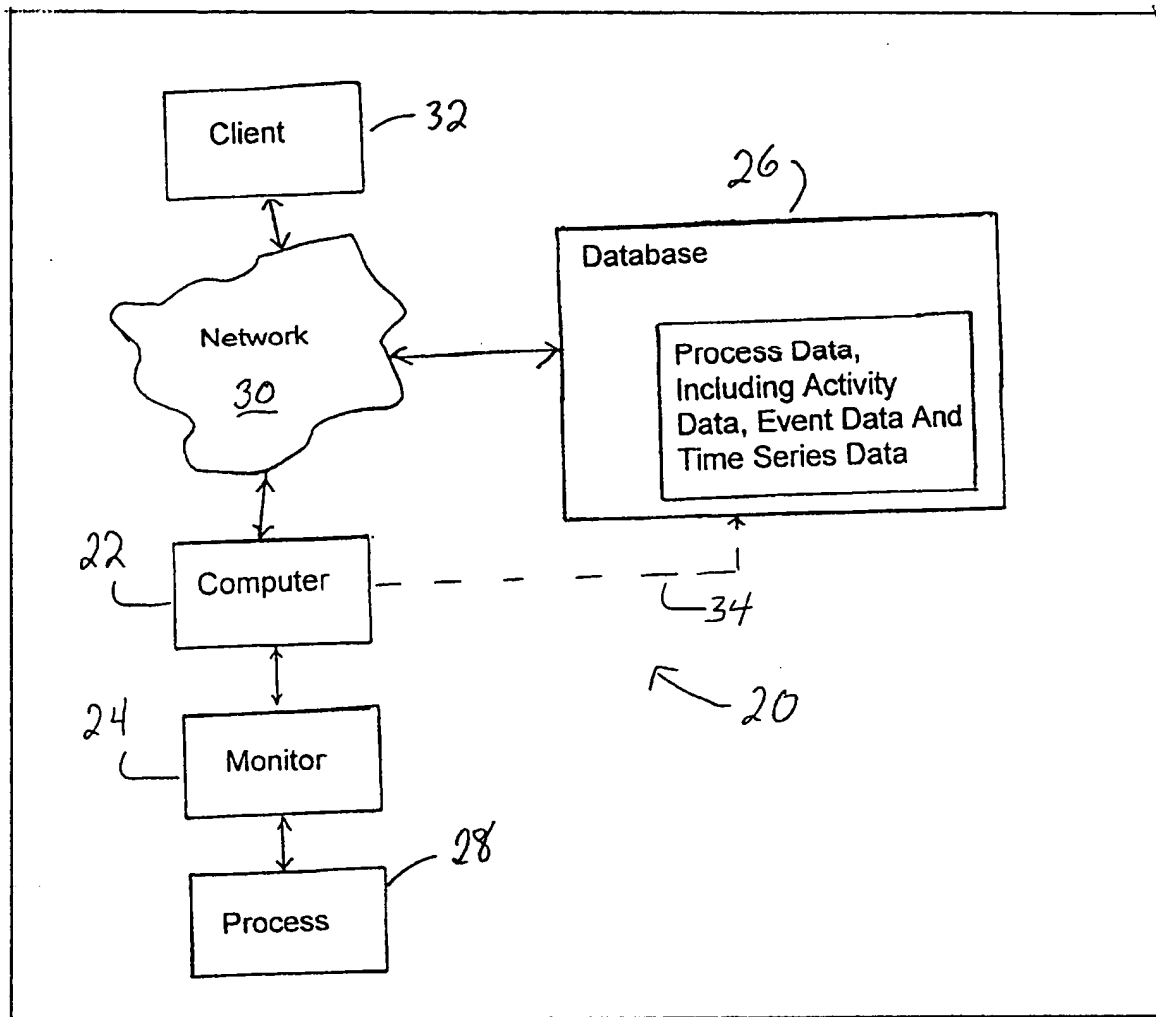


Fig. 1

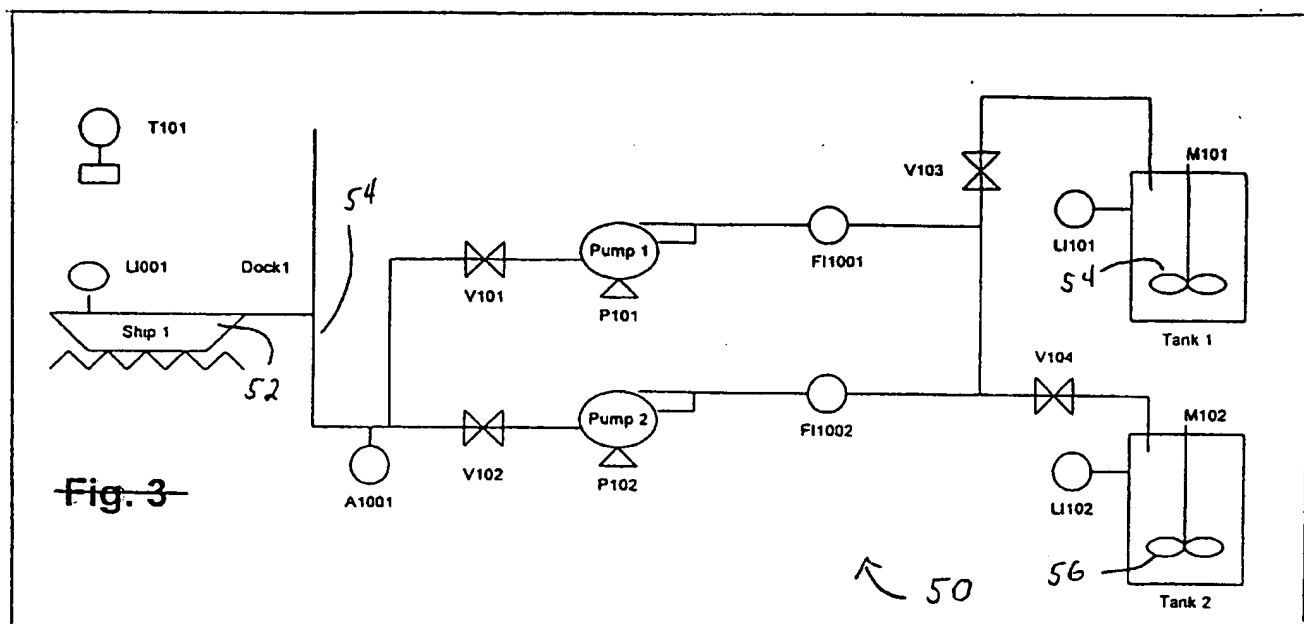


Fig. 3

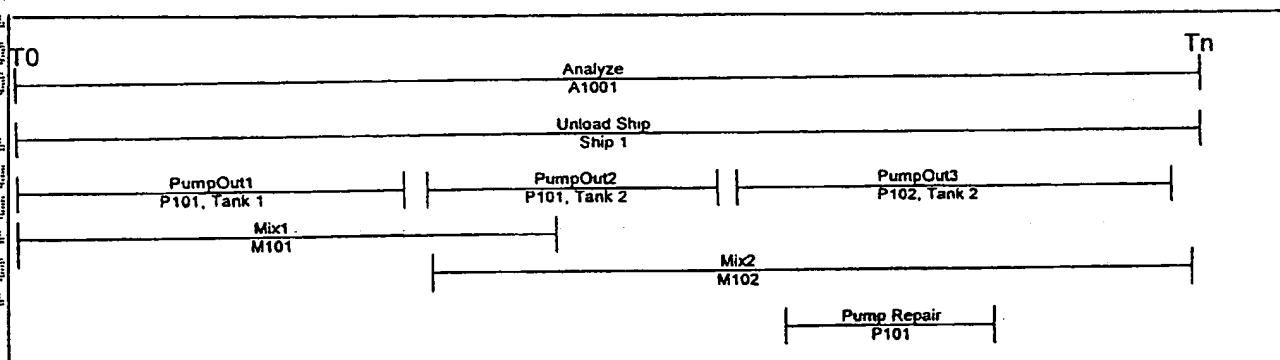
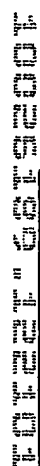


Fig. 5

